

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FTE NETWORKS, INC.,

Plaintiff,

v.

SUNEET SINGAL, TTP8, LLC, FIRST CAPITAL MASTER ADVISOR, LLC, MAJIQUE LADNIER, DANISH MIR, KHAWAJA ZARGHAM BIN AAMER, THOMAS COLEMAN, INNOVATIV MEDIA GROUP, INC., JOSEPH F. CUNNINGHAM, PETER K. GHISHAN, STEPHEN M. GOODWIN, and BRUCE M. FAHEY

Defendants.

Case No. 1:22-cv-05960-JHR

**DECLARATION OF SHANE R. HESKIN IN SUPPORT OF
PLAINTIFF'S MOTION FOR LEAVE TO AMEND THE COMPLAINT**

SHANE R. HESKIN, pursuant to 28 U.S.C. § 1746, declares under penalties of perjury that the foregoing is true and correct:

1. I am a Partner of White and Williams LLP, attorneys for Plaintiff FTE Networks, Inc. (“FTE” or “Plaintiff”) and I make this declaration in support of FTE’s motion for leave to amend its Complaint in this action pursuant to Federal Rules of Civil Procedure 15. Unless otherwise noted, I am personally familiar with the facts set forth herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of FTE’s Complaint, dated May 11, 2022, together with the exhibits attached thereto, that was originally filed with the Supreme Court of the State of New York before being removed to this Court on or about July 13, 2022. *See also* [DE 1-1].

3. Attached hereto as **Exhibit 2** is a true and correct copy of FTE’s proposed Amended Complaint.

4. Attached hereto as **Exhibit 3** is a true and correct copy of a redline comparing the changes between FTE's Complaint and proposed Amended Complaint.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the declaration of Chris Ferguson, dated March 7, 2023, which constitutes the new exhibit H to FTE's proposed Amended Complaint.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the declaration of Mark Suwyn, dated March 17, 2023, which constitutes the new exhibit I to FTE's proposed Amended Complaint.

7. Attached hereto as **Exhibit 6** is a true and correct copy of a March 11, 2023 purported amendments to FTE's bylaws signed by Defendants Majique Ladnier, First Capital Master Advisor, LLC (signed by Suneet Singal as its CEO), TTP8, LLC (signed by Majique Ladnier as its Manager), Innovativ Media Group, Inc. (signed by Thomas Coleman as its President), Goodwin, and Cunningham, which constitutes the new exhibit J to FTE's proposed Amended Complaint.

8. Attached hereto as **Exhibit 7** is a true and correct copy of the note exchange agreement, dated December 13, 2019, entered into between TTP8, LLC and FTE, which constitutes the new exhibit K to FTE's proposed Amended Complaint.

9. Attached hereto as **Exhibit 8** is a true and correct copy of a March 2, 2023 email from Plaintiff's counsel to Defendants' counsel.

Dated: April 28, 2023

WHITE AND WILLIAMS LLP

By: Shane R. Heskin

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